

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY TEHRAN

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E.O. 11652: N/A

TAGS: MILI, IR

SUBJECT:DIPLOMATIC IMMUNITY FOR MINOR TRAFFIC OFFENSES

REF: TEHRAN 6007

1. ARTICLE 41(1) OF 1961 VIENNA CONVENTION ON DIPLOMATIC RELATIONS (TIAS 7502) STATES THAT "WITHOUT PREJUDICE TO THEIR PRIVILEGES AND IMMUNITIES, IT IS THE DUTY OF ALL PERSONS ENJOYING SUCH PRIVILEGES AND IMMUNITIES TO RESPECT THE LAWS OF THE RECEIVING STATE." IN ACCORDANCE WITH THIS INTERNATIONAL OBLIGATION, DEPT REGULATIONS (2 FAM 225.1) PROVIDES THAT USG REPRESENTATIVES ABROAD SHALL NOT TAKE ADVANTAGE OF PROTECTION AFFORDED BY REASON OF OFFICIAL POSITION.

2. ALL FOREIGN GOVERNMENT PERSONNEL CLOTHED WITH IMMUNITY IN U.S. ARE EXPECTED TO PAY FINES ASSESSED FOR MINOR
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TRAFFIC VIOLATIONS, IN KEEPING WITH DUTY OF SUCH PERSONS

UNDER INTERNATIONAL LAW TO RESPECT LAWS AND REGULATIONS
OF RECEIVING STATE. IN PRACTICE, HOWEVER, IF INDIVIDUAL
ELECTS AND HIS GOVERNMENT PERMITS HIM NOT TO PAY, DEPT
WILL INFORM U.S. COURT OF HIS IMMUNITY IN EVENT OF PROSE-
CUTION. FEW ATTEMPTS AT PROSECUTION ARE MADE IN WASHINGTON

METROPOLITAN AREA WHERE CONCEPT OF DIPLOMATIC IMMUNITY
IS KNOWN AND UNDERSTOOD.

3. WHILE DIPLOMATIC IMMUNITY CLEARLY EXTENDS TO MINOR
TRAFFIC VIOLATIONS, U.S. PERSONNEL ENJOYING SUCH
IMMUNITY SHOULD SEEK TO AVOID COMMITTING SUCH VIOLATIONS
AND, WHEN VIOLATIONS OCCUR, SHOULD PAY NORMAL FINES.
DEPT DOES NOT REGARD PAYMENT OF FINE AS WAIVER OF
IMMUNITY REQUIRING PRIOR DEPT APPROVAL UNDER 2 FAM 221.5,
SO LONG AS PAYMENT OF FINE DOES NOT INVOLVE COURT
APPEARANCE.

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